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13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
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16 IN RE: VOLKSWAGEN “CLEAN DIESEL”  
17 MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

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18 **THIS DOCUMENT RELATES TO:**

19 ACTIONS SET FOR FEBRUARY 24, 2020  
20 TRIAL

CASE NO. 3:15-md-02672-CRB

Hon. Charles R. Breyer

**PLAINTIFFS’ RESPONSE TO  
DEFENDANTS’ MOTION TO STRIKE  
PLAINTIFFS’ REPLY BRIEFS IN  
SUPPORT OF PLAINTIFFS’ MOTIONS *IN*  
*LIMINE***

Hearing Date: February 6, 2020

Time: 2:00 p.m.

Courtroom: 6 – 17<sup>th</sup> Floor

Trial Date: February 24, 2020

**ARGUMENT**

On January 13, 2020, Plaintiffs timely filed six motions *in limine*.<sup>1</sup> At the time of filing, Plaintiffs' counsel received a Notice of Electronic Filing ("NEF") for each of the six motions filed. Pursuant to each of the NEFs, the hearing on the motions was set for February 6, 2020 at 2:00 PM. Each NEF also stated that Defendants' responses to the motions were due by January 27, 2020 and that ***Plaintiffs' replies were due by February 3, 2020***. See, Buckner Decl. Ex. A (First Page of NEFs). In reliance on the NEFs, Plaintiffs filed their replies in support of each motion on February 3, 2020.

**CONCLUSION**

For the forgoing reasons, Plaintiffs respectfully request that this Court deny Defendants' motion to strike Plaintiffs' reply briefs in support of Plaintiffs' motions *in limine* and retain the current hearing date on February 6, 2020.

DATED: February 4, 2020

Respectfully submitted,

By: /s/ Richard W. Buckner  
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<sup>1</sup> Plaintiffs filed an administrative motion seeking leave to have the sixth motion *in limine* heard.